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SIPDIS

E.O. 12958: DECL: 08/17/2019

TAGS: [PGOV](#) [KDEM](#) [HO](#)

SUBJECT: TFH01: HONDURAN JUDGE REMOVED FROM CASE AGAINST
ZELAYA SUPPORTERS

REF: TEGUCIGALPA 605

Classified By: Charge d'Affaires Simon Henshaw, reasons 1.4 (d)

¶1. (U) Summary. The Supreme Court of Honduras removed Judge Maritza Arita from her involvement in the case of three Hondurans charged with vandalism during an August 11 protest. Judge Arita claims her separation is politically charged and has formally denounced the action before human rights groups. The Supreme Court announced on August 18 that the judge is on vacation. End Summary.

¶2. (U) Pro-regime criticism of Judge Arita started late last week following a ruling she made in the case of three Honduran employees of the Catacamas Agriculture University arrested in Tegucigalpa after an August 11 protest. The three were charged with aggravated arson and terrorism against private property for their alleged role in a Molotov cocktail attack on a fast food restaurant and the burning of a bus. On August 13, Judge Arita ordered the three released but stipulated they could not leave Tegucigalpa and could not be anywhere near restaurants owned by Group Intur, the owner of the restaurant destroyed in the August 11 protests.

¶3. (U) Judge Arita's decision received widespread criticism including in a full-page ad on August 17 in the national daily, La Tribuna. Supported by an organization called the Alliance for Honduras Peace and Democracy (a pro-regime group), the ad denounced the vandalism, called for a reversal of her decision, and demanded her replacement based on perceived conflict of interest due to her marriage with "a member of the resistance." Judge Arita is married to former public prosecutor Jari Dixon, who has been outspoken in his support for the return of President Zelaya. Dixon has complained of harassment by authorities in the past month because of his political stance (Ref A).

¶4. (U) Judge Arita made a formal complaint before human rights organization Committee for the Family of the Detained and Disappeared in Honduras (COFADEH) for what she describes as "political persecution and a campaign to denigrate her public image." She also claims to have received threats against her and states she intends to speak to the delegation visiting Tegucigalpa from the Inter-American Commission on Human Rights.

¶5. (C) Comment: Temporary release pending trial is common in Honduras when the defendant is elderly, ill, or when a charge

is not considered a major offense, but appears unusual for this case. More unusual is Arita,s removal from the case. Arita's supporters see her suspension as a political payback for her husband's support of President Zelaya and argue that the decision was legally sound based on the shaky evidence placing the three defendants at the scene of the crime. The Supreme Court announced on August 17 that a new judge will be named to preside over the case. End Comment.
HENSHAW